

AMENDED IN ASSEMBLY JUNE 25, 2014

AMENDED IN SENATE APRIL 10, 2014

AMENDED IN SENATE MARCH 25, 2014

SENATE BILL

No. 1445

Introduced by Senator Evans

February 21, 2014

An act to amend Section 4512 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1445, as amended, Evans. Developmental services: regional centers: individual program plans: telehealth.

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services contracts with regional centers to provide services and supports to individuals with developmental disabilities. The services and supports to be provided to a regional center consumer are contained in an individual program plan, developed in accordance with prescribed requirements, and may include, but are not limited to, diagnosis, treatment, personal care, information and referral services, counseling, and specialized medical and dental care.

This bill would include telehealth services and supports ~~as part of the specialized medical and dental care that is among the services and supports~~ authorized to be included in an individual program plan.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4512 of the Welfare and Institutions Code
2 is amended to read:

3 4512. As used in this division:

4 (a) “Developmental disability” means a disability that originates
5 before an individual attains 18 years of age; continues, or can be
6 expected to continue, indefinitely; and constitutes a substantial
7 disability for that individual. As defined by the Director of
8 Developmental Services, in consultation with the Superintendent
9 of Public Instruction, this term shall include intellectual disability,
10 cerebral palsy, epilepsy, and autism. This term shall also include
11 disabling conditions found to be closely related to intellectual
12 disability or to require treatment similar to that required for
13 individuals with an intellectual disability, but shall not include
14 other handicapping conditions that are solely physical in nature.

15 (b) “Services and supports for persons with developmental
16 disabilities” means specialized services and supports or special
17 adaptations of generic services and supports directed toward the
18 alleviation of a developmental disability or toward the social,
19 personal, physical, or economic habilitation or rehabilitation of an
20 individual with a developmental disability, or toward the
21 achievement and maintenance of independent, productive, and
22 normal lives. The determination of which services and supports
23 are necessary for each consumer shall be made through the
24 individual program plan process. The determination shall be made
25 on the basis of the needs and preferences of the consumer or, when
26 appropriate, the consumer’s family, and shall include consideration
27 of a range of service options proposed by individual program plan
28 participants, the effectiveness of each option in meeting the goals
29 stated in the individual program plan, and the cost-effectiveness
30 of each option. Services and supports listed in the individual
31 program plan may include, but are not limited to, diagnosis,
32 evaluation, treatment, personal care, day care, domiciliary care,
33 special living arrangements, physical, occupational, and speech
34 therapy, training, education, supported and sheltered employment,
35 mental health services, recreation, counseling of the individual
36 with a developmental disability and of his or her family, protective
37 and other social and sociolegal services, information and referral
38 services, follow-along services, adaptive equipment and supplies,

1 advocacy assistance, including self-advocacy training, facilitation
 2 and peer advocates, assessment, assistance in locating a home,
 3 child care, behavior training and behavior modification programs,
 4 camping, community integration services, community support,
 5 daily living skills training, emergency and crisis intervention,
 6 facilitating circles of support, habilitation, homemaker services,
 7 infant stimulation programs, paid roommates, paid neighbors,
 8 respite, short-term out-of-home care, social skills training,
 9 specialized medical and dental care, ~~including~~ telehealth services
 10 and ~~support~~, *supports*, as defined in Section 2290.5 of the Business
 11 and Professions Code, supported living arrangements, technical
 12 and financial assistance, travel training, training for parents of
 13 children with developmental disabilities, training for parents with
 14 developmental disabilities, vouchers, and transportation services
 15 necessary to ensure delivery of services to persons with
 16 developmental disabilities. Nothing in this subdivision is intended
 17 to expand or authorize a new or different service or support for
 18 any consumer unless that service or support is contained in his or
 19 her individual program plan.

20 (c) Notwithstanding subdivisions (a) and (b), for any
 21 organization or agency receiving federal financial participation
 22 under the federal Developmental Disabilities Assistance and Bill
 23 of Rights Act of 2000, Chapter 144 (commencing with Section
 24 15001) of Title 42 of the United States Code, as amended,
 25 “developmental disability” and “services for persons with
 26 developmental disabilities” mean the terms as defined in the federal
 27 act to the extent required by federal law.

28 (d) “Consumer” means a person who has a disability that meets
 29 the definition of developmental disability set forth in subdivision
 30 (a).

31 (e) “Natural supports” means personal associations and
 32 relationships typically developed in the community that enhance
 33 the quality and security of life for people, including, but not limited
 34 to, family relationships, friendships reflecting the diversity of the
 35 neighborhood and the community, associations with fellow students
 36 or employees in regular classrooms and workplaces, and
 37 associations developed through participation in clubs,
 38 organizations, and other civic activities.

39 (f) “Circle of support” means a committed group of community
 40 members, who may include family members, meeting regularly

1 with an individual with developmental disabilities in order to share
2 experiences, promote autonomy and community involvement, and
3 assist the individual in establishing and maintaining natural
4 supports. A circle of support generally includes a plurality of
5 members who neither provide nor receive services or supports for
6 persons with developmental disabilities and who do not receive
7 payment for participation in the circle of support.

8 (g) “Facilitation” means the use of modified or adapted
9 materials, special instructions, equipment, or personal assistance
10 by an individual, such as assistance with communications, that
11 will enable a consumer to understand and participate to the
12 maximum extent possible in the decisions and choices that affect
13 his or her life.

14 (h) “Family support services” means services and supports that
15 are provided to a child with developmental disabilities or his or
16 her family and that contribute to the ability of the family to reside
17 together.

18 (i) “Voucher” means any authorized alternative form of service
19 delivery in which the consumer or family member is provided with
20 a payment, coupon, chit, or other form of authorization that enables
21 the consumer or family member to choose his or her own service
22 provider.

23 (j) “Planning team” means the individual with developmental
24 disabilities, the parents or legally appointed guardian of a minor
25 consumer or the legally appointed conservator of an adult
26 consumer, the authorized representative, including those appointed
27 pursuant to subdivision (d) of Section 4548 and subdivision (e) of
28 Section 4705, one or more regional center representatives,
29 including the designated regional center service coordinator
30 pursuant to subdivision (b) of Section 4640.7, any individual,
31 including a service provider, invited by the consumer, the parents
32 or legally appointed guardian of a minor consumer or the legally
33 appointed conservator of an adult consumer, or the authorized
34 representative, including those appointed pursuant to subdivision
35 (d) of Section 4548 and subdivision (e) of Section 4705, and
36 including a minor’s, dependent’s, or ward’s court-appointed
37 developmental services decisionmaker appointed pursuant to
38 Section 319, 361, or 726.

1 (k) “Stakeholder organizations” means statewide organizations
2 representing the interests of consumers, family members, service
3 providers, and statewide advocacy organizations.

4 (l) “Substantial disability” means the existence of significant
5 functional limitations in three or more of the following areas of
6 major life activity, as determined by a regional center, and as
7 appropriate to the age of the person:

8 (1) Self-care.

9 (2) Receptive and expressive language.

10 (3) Learning.

11 (4) Mobility.

12 (5) Self-direction.

13 (6) Capacity for independent living.

14 (7) Economic self-sufficiency.

15 Any reassessment of substantial disability for purposes of
16 continuing eligibility shall utilize the same criteria under which
17 the individual was originally made eligible.

18 (m) “Native language” means the language normally used or
19 the preferred language identified by the individual and, when
20 appropriate, his or her parent, legal guardian or conservator, or
21 authorized representative.